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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,944	11/30/2001	Sanjeev Kumar Chandak	05793.3077	3988
22852	7590	04/10/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			VAN BRAMER, JOHN W	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/996,944	Applicant(s) CHANDAK ET AL.	
	Examiner John Van Bramer	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on February 3, 2006 added no claims, cancelled no claims, and amended no claims. The currently pending claims considered below are Claims 1-30.

Specification

2. The amendment filed on February 3, 2006 corrected the deficiencies in the abstract. Therefore, the objection to the abstract raised in the November 4, 2005 office action is hereby withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7-13, 17-23 and 27 - 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (U.S. Patent Number: 6,018,718).

Claim 1: Walker discloses a method for managing a financial account for a consumer, comprising:

- a. Providing the financial account to the consumer, wherein the financial account is associated with a reward incentive parameter indicating a predetermined amount of reward points that will be associated with the financial account based on a predetermined payment amount to the account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56)
- c. Determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount, wherein the determined amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47)

Claim 2: Walker discloses the method of claim 1, wherein determining an amount of reward points further comprises: determining whether the received payment amount is below a minimum payment amount. (Col 10, lines 3-13)

Claim 3: Walker discloses the method of claim 2, wherein determining an amount of reward points further comprises: reducing the amount of reward points based on a determination that an amount of the received payment is below the minimum payment amount. (Col 11, lines 1-12)

Claim 7: Walker discloses the method of claim 1, wherein determining an amount of reward points further comprises: determining the amount of reward points to associate with the financial account based on an amount of the received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 8: Walker discloses the method of claim 7, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 9: Walker discloses the method of claim 8, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 10: Walker discloses the method of claim 1, further comprising: determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on a total amount of reward points associated with the financial account; and providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

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Claim 11: Walker discloses a system for managing a financial account for a consumer, comprising:

- a. Means for providing the financial account to the consumer, wherein the financial account is associated with a reward incentive parameter indicating a predetermined amount of reward points that will be associated with the financial account based on a predetermined payment amount to the account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Means for receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56)
- c. Means for determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount, wherein the determined amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47)

Claim 12: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: means for determining whether the received payment amount is below a minimum payment amount. (Col 10, lines 3-13)

Claim 13: Walker discloses the system of claim 12, wherein the means for determining an amount of reward points further comprises: means for reducing the amount of reward points based on a determination that an amount of the received payment is below the minimum payment amount. (Col 11, lines 1-12)

Claim 17: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: means for determining the amount of reward points to associate with the financial account based on an amount of the received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 18: Walker discloses the system of claim 17, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 19: Walker discloses the system of claim 18, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 20: Walker discloses the system of claim 11, further comprising: means for determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on a total amount of reward points associated

with the financial account; and means for providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

Claim 21: Walker discloses a computer-readable medium including instructions for performing a method, when executed by a processor, for managing a financial account for a consumer, the method comprising:

- a. Providing the financial account to the consumer, wherein the financial account is associated with a reward incentive parameter indicating a predetermined amount of reward points that will be associated with the financial account based on a predetermined payment amount to the account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56)
- c. Determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount, wherein the determined amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47)

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Claim 22: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: determining whether the received payment amount is below a minimum payment amount. (Col 10, lines 3-13)

Claim 23: Walker discloses the computer-readable medium of claim 22, wherein determining an amount of reward points further comprises: reducing the amount of reward points based on a determination that an amount of the received payment is below the minimum payment amount. (Col 11, lines 1-12)

Claim 27: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: determining the amount of reward points to associate with the financial account based on an amount of the received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 28: Walker discloses the computer-readable medium of claim 27, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 29: Walker discloses the computer-readable medium of claim 28, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 30: Walker discloses the computer-readable medium of claim 21, the method further comprising: determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on a total amount of reward points associated with the financial account; and providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6, 14-16, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (U.S. Patent Number: 6,018,718).

Claim 4: Walker discloses the method of claim 2, wherein determining an amount of reward points further comprises: reducing the amount of reward points based on a determination that the customer came close to achieving their designated performance value. (Col 11, lines 1-11), but does not explicitly say that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7,

lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 5: Walker discloses the method of claim 2, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 6: Walker discloses the method of claim 2, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 14: Walker discloses the system of claim 12, wherein the means for determining an amount of reward points further comprises: reducing the amount of reward points based on a determination that the customer came close to achieving their designated performance value. (Col 11, lines 1-11), but does not explicitly say that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which

performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 15: Walker discloses the system of claim 12, wherein the means for determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 16: Walker discloses the system of claim 12, wherein the means for determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state

that the performance value is based upon a payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 24: Walker discloses the computer-readable medium of claim 22, wherein determining an amount of reward points further comprises: reducing the amount of reward points based on a determination that the customer came close to achieving their designated performance value. (Col 11, lines 1-11), but does not explicitly say that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 25: Walker discloses the computer-readable medium of claim 22, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 26: Walker discloses the computer-readable medium of claim 22, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a

targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Response to Arguments

7. Applicant's arguments filed February 3, 2006 have been fully considered but they are not persuasive.

- a. The applicant argues that the teachings of Walker et al. (U.S. Patent Number: 6,018,718) do not disclose performance targets and their corresponding rewards that are associated with payment amounts to the financial account. However, as disclosed in the previous office action, Walker discloses determining a performance target for a credit card holder and selecting a reward to offer the credit card holder if he behaves in accordance with the first performance target (Col 4, lines 20 – 23). Walker then discloses that various criteria are used to form the basis for determining performance targets, reward terms or both (Col 7, lines 19 – 25). While many of the criteria described in the Walker et al. disclosed in Walker are associated with payment amounts to the financial account, the applicant is directed to Col 7, lines 63 – 67, where Walker specifically states that extend of monthly payments and promptness of payment are criteria used to form the basis for determining performance targets.

- b. The applicant argues that the criteria for performance determination disclosed in Walker et al. is used as a statistical measure to manage accounts and not associated with reward incentives including points that are associated with a financial account. As disclosed above, the criteria are used to determine performance targets, reward terms or both (Col 7, lines 19 – 25). Furthermore, Walker et al. discloses that the reward incentives may comprise numerous reward types such as frequent flyer points (Col 6, lines 37 – 47).
- c. The applicant argues that the type of performance targets disclosed by Walker et al. are in no way associated with a payment amount to the account. However, Walker discloses such a criteria, a target monthly premium payment, being used for a performance target (Col 6, lines 25 – 29).
- d. The applicant argues that Walker does not disclose a process that determines whether a received payment is below a minimum payment. However, Walker discloses determining whether a performance target has been met (Col 10, lines 3 – 13), and these targets include payments amount as described in a, b, and c above.
- e. The applicant argues that Walker et al. does not disclose reducing the amount of reward points based on a determination that a received payment amount is below a minimum payment amount. However, since payment amounts are used for performance targets, the ability to

reduce the amount of reward points earned when a minimum payment based performance target has not been fully met is specifically disclosed in Walker et al. (Col. 11, lines 1 – 11).

- f. The applicant argues that Walker et al. does not disclose a payment due date as a criteria for performance awards and that Walker et al. does not disclose or mention any correlation between payment due dates and performance targets. However, Walker et al. discloses promptness of payment as a criteria that may be used for determining performance targets, reward terms or both (Col 7, lines 19 – 24 and Col 7, lines 61 – 67). Since promptness of payment is usually determined by whether or not a customer pays by the due date listed on an account, Walker et al. obviously teaches payment due dates with both performance targets and reward terms.
- g. The applicant argues that the Examiners alleged motivation for modifying the cited art is based on a misapplication of the teachings of the reference since the Walker et al. reference does not disclose the cited features. However, as disclosed in above, each of the features claimed is taught by Walker et al., and the U.S.C 103 (a) motivations cited in the previous office action are sound.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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jvb


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600